

State of Wisconsin



2009 Assembly Bill 588

Date of enactment: **May 13, 2010**
Date of publication*: **May 27, 2010**

2009 WISCONSIN ACT 355

AN ACT *to repeal* 460.04 (3), 460.04 (4), 460.05 (3), 460.14 (4) and 460.15 (2); *to renumber and amend* 15.407 (7), 460.01 (1), 460.01 (2), 460.03, 460.04 (1), 460.06, 460.10 and 460.15 (1); *to amend* 146.81 (1) (hp), 146.997 (1) (d) 13., 180.1901 (1m) (ag), 252.15 (1) (ar) 1., 440.03 (13) (b) 38., 440.08 (2) (a) 46r., chapter 460 (title), 460.01 (3), 460.01 (4), 460.02, 460.04 (title), 460.04 (2) (intro.), (a), (b) and (e), 460.05 (title), 460.05 (1) (intro.), 460.05 (1) (c), 460.05 (1) (e), 460.05 (1) (g), 460.05 (2), 460.07 (1), 460.07 (2) (intro.), 460.07 (2) (c), 460.07 (2) (d), 460.09, 460.11, 460.12 (1), (2), (3), (4) and (5) (b), 460.13, 460.14 (1), 460.14 (2) (intro.), 460.14 (2) (a), 460.14 (2) (b), 460.14 (2) (e), 460.14 (2) (h), 460.14 (2m) (intro.), 460.14 (3), 460.17 and 895.48 (1m) (a) (intro.) and 2.; and *to create* 15.406 (6) (a) 2., 460.01 (1g), 460.03 (1m) (c), 460.03 (2m), 460.04 (1m), 460.04 (2) (f), 460.04 (2) (g), 460.08, 460.095 and 460.10 (1) (b) of the statutes; **relating to:** changes to the regulation of massage therapy and bodywork, creating the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2. 15.406 (6) (a) 2. of the statutes is created to read:

15.406 (6) (a) 2. One public member who satisfies the requirements under s. 460.03 (2m) (b).

SECTION 3m. 15.407 (7) of the statutes is renumbered 15.406 (6), and 15.406 (6) (title), (a) and (b) (intro.), 2. and 3., as renumbered, are amended to read:

15.406 (6) (title) MASSAGE THERAPY AND BODYWORK COUNCIL- THERAPY AFFILIATED CREDENTIALING BOARD. (a) There is created in the department of regulation and licensing, attached to the medical examining board, a massage therapy and bodywork council ~~in the department of regulation and licensing, serving the department in an advisory capacity~~ therapy affiliated credentialing board. The council affiliated credentialing board shall

consist of the following 7 members; appointed for 4-year terms, who are:

1. Six massage therapists or bodyworkers certified bodywork therapists licensed under ch. 460 and who have engaged in the practice of massage therapy or bodywork therapy for at least 2 years preceding appointment. One member appointed under this subdivision shall be a representative of a massage therapy or bodywork therapy school approved by the educational approval board under s. 38.50. One member appointed under this subdivision shall be a representative of a massage therapy or bodywork therapy program offered by a technical college in this state. No other members appointed under this subdivision shall be directly or indirectly affiliated with a massage therapy or bodywork therapy school or program.

(b) (intro.) In appointing members under par. (a), the governor shall ensure, to the maximum extent practicable, that the membership of the council affiliated creden-

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

tialing board is diverse, based on all of the following factors:

2. Affiliation and nonaffiliation with a professional association for the practice of massage therapy or bodywork therapy.

3. Professional associations with which massage therapists or ~~bodyworkers~~ bodywork therapists in this state are affiliated.

SECTION 4. 146.81 (1) (hp) of the statutes is amended to read:

146.81 (1) (hp) A massage therapist or ~~bodyworker~~ certified bodywork therapist licensed under ch. 460.

SECTION 5. 146.997 (1) (d) 13. of the statutes is amended to read:

146.997 (1) (d) 13. A massage therapist or ~~bodyworker~~ bodywork therapist issued a certificate licensed under ch. 460.

SECTION 6. 180.1901 (1m) (ag) of the statutes is amended to read:

180.1901 (1m) (ag) The ~~department of regulation and licensing~~ massage therapy and bodywork therapy affiliated credentialing board under ch. 460.

SECTION 7. 252.15 (1) (ar) 1. of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

252.15 (1) (ar) 1. A person or entity that is specified in s. 146.81 (1) (a) to ~~(hm) and (i) to (p), but does not include a massage therapist or bodyworker issued a certificate under ch. 460.~~

SECTION 8. 440.03 (13) (b) 38. of the statutes is amended to read:

440.03 (13) (b) 38. Massage therapist or ~~bodyworker~~ bodywork therapist.

SECTION 9. 440.08 (2) (a) 46r. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.08 (2) (a) 46r. Massage therapist or ~~bodyworker~~ bodywork therapist: March 1 of each odd-numbered year.

SECTION 10. Chapter 460 (title) of the statutes is amended to read:

CHAPTER 460 MESSAGE THERAPY AND BODYWORK THERAPY

SECTION 11. 460.01 (1) of the statutes is renumbered 460.01 (2m) and amended to read:

460.01 (2m) “Certificate License holder” means a person granted a certificate license under this chapter.

SECTION 12. 460.01 (1g) of the statutes is created to read:

460.01 (1g) “Adjunctive therapy” means any of the following:

(a) The use of a device that simulates or enhances a manual action.

(b) The application of water, lubricants, or other non-prescription topical agents to the skin.

(c) The application of heat or cold to the skin in the absence of an electromagnetic device.

SECTION 13. 460.01 (2) of the statutes is renumbered 460.01 (1r) and amended to read:

460.01 (1r) “~~Council~~ Affiliated credentialing board” means the massage therapy and bodywork ~~council~~ therapy affiliated credentialing board.

SECTION 14. 460.01 (3) of the statutes is amended to read:

460.01 (3) “Manual action” includes holding, positioning, rocking, kneading, compressing, decompressing, gliding, or percussing the soft tissue of the human body or applying a passive range of motion to the human body without joint mobilization or manipulation.

SECTION 15. 460.01 (4) of the statutes is amended to read:

460.01 (4) “Massage therapy” or “bodywork therapy” means the science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body, in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility; ~~and, “Massage therapy” or “bodywork therapy” includes determining whether massage therapy or bodywork is manual actions and adjunctive therapies are appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate. “Massage therapy” or “bodywork therapy” does not include making a medical, physical therapy, or chiropractic diagnosis.~~

SECTION 16. 460.02 of the statutes is amended to read:

460.02 Certificate License required. Except as provided in s. 460.03, no person may provide massage therapy or bodywork therapy, designate himself or herself as a massage therapist or ~~bodyworker~~ bodywork therapist or masseur or masseuse, or use or assume the title “massage therapist and ~~bodyworker~~ bodywork therapist” or “massage therapist” or “~~bodyworker~~ bodywork therapist” or “masseur” or “masseuse” or any title that includes “massage therapist,” “bodywork therapist,” or “bodyworker,” or append to the person’s name the letters “M.T.,” “R.M.T.,” “L.M.T.,” “C.M.T.,” “B.W.,” “B.T.,” “B.W.,” “L.B.W.,” “R.B.W.” or “C.B.W.,” or use any other title or designation that represents or may tend to represent that he or she is certified licensed under this chapter, unless the person is certified licensed under this chapter.

SECTION 17. 460.03 of the statutes is renumbered 460.03 (1m) and amended to read:

460.03 (1m) A certificate license under this chapter is not required for any of the following:

(a) A person holding a license, permit, registration, or certification granted by this state or the federal government who engages in a practice of massage therapy or bodywork therapy within the scope of his or her license, permit, registration, or certification and who does not imply that he or she is certified licensed under this chapter. A person who is exempt from licensure under this

subsection may use the terms “bodywork,” “bodyworker,” and “bodywork therapy” to identify his or her practice.

(b) A person who is authorized to practice massage therapy or bodywork therapy in another state or country and is providing a consultation to or demonstration with a certificate license holder. A person who is exempt from licensure under this subsection may use the terms “bodywork,” “bodyworker,” and “bodywork therapy” to identify his or her practice.

SECTION 18. 460.03 (1m) (c) of the statutes is created to read:

460.03 (1m) (c) A person who manipulates only the soft tissues of the hands, feet, or ears of the human body, provided that the services are not represented or implied to be massage therapy or bodywork therapy.

SECTION 19. 460.03 (2m) of the statutes is created to read:

460.03 (2m) (a) A person who does any of the following and who satisfies the requirements of par. (b):

1. Uses touch, words, and directed movement to deepen a client’s awareness of his or her existing patterns of movement and to suggest to the client new patterns of movement.

2. Uses touch to affect the energy systems of the human body.

3. Uses touch and education to effect change in the structure of the body while engaged in the practice of structural integration.

(b) The person is recognized by or meets the established standards of either a professional organization or credentialing association that recognizes a person in a practice after that person demonstrates an adequate level of training and competency and adherence to ethical standards.

(c) A person who is exempt from licensure under this subsection may use the terms “bodywork,” “bodyworker,” and “bodywork therapy” to identify his or her practice.

SECTION 20. 460.04 (title) of the statutes is amended to read:

460.04 (title) Duties of department affiliated credentialing board.

SECTION 21. 460.04 (1) of the statutes is renumbered 460.05 (4) and amended to read:

460.05 (4) ~~The department shall affiliated credentialing board may~~ assign a unique certificate license number to each person certified licensed under this chapter.

SECTION 22. 460.04 (1m) of the statutes is created to read:

460.04 (1m) The affiliated credentialing board shall prepare an examination on state laws and administrative rules governing massage therapy and bodywork therapy.

SECTION 23. 460.04 (2) (intro.), (a), (b) and (e) of the statutes are amended to read:

460.04 (2) (intro.) The ~~department~~ affiliated credentialing board shall promulgate rules that establish all of the following:

(a) Standards that govern the professional conduct of certificate license holders in practicing massage therapy or bodywork therapy. The standards shall prohibit a certificate license holder from having sexual contact or sexual intercourse with a client.

(b) Criteria for approving a training program for purposes of s. 460.05 (1) (e) 1. Rules promulgated under this paragraph shall require the training program to meet the requirements under s. 460.095 and to consist of at least 600 classroom hours.

(e) A requirement that an applicant for a certificate license under this chapter submit evidence satisfactory to the ~~department~~ affiliated credentialing board that the applicant has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

SECTION 24. 460.04 (2) (f) of the statutes is created to read:

460.04 (2) (f) Requirements to be satisfied by a person seeking a temporary license under s. 460.08. The rules promulgated under this subsection shall require the person to be a graduate of a massage therapy or bodywork therapy school or program and may require the holder of a temporary license to make disclosures to clients and to practice under the supervision of a massage therapist or bodywork therapist licensed under this chapter.

SECTION 25. 460.04 (2) (g) of the statutes is created to read:

460.04 (2) (g) A requirement that an applicant for a license under this chapter pass an examination on state laws and administrative rules governing massage therapy and bodywork therapy.

SECTION 26. 460.04 (3) of the statutes is repealed.

SECTION 27. 460.04 (4) of the statutes is repealed.

SECTION 28. 460.05 (title) of the statutes is amended to read:

460.05 (title) Certification Licensure of massage therapists or bodyworkers and bodywork therapists.

SECTION 29. 460.05 (1) (intro.) of the statutes is amended to read:

460.05 (1) (intro.) The ~~department~~ affiliated credentialing board shall grant a certificate license as a massage therapist or ~~bodyworker~~ bodywork therapist to a person who satisfies all of the following:

SECTION 30. 460.05 (1) (c) of the statutes is amended to read:

460.05 (1) (c) The person submits an application for the certificate license to the ~~department~~ affiliated credentialing board on a form provided by the ~~department~~ affiliated credentialing board.

SECTION 31. 460.05 (1) (e) of the statutes is amended to read:

460.05 (1) (e) Except as provided in sub. (2), the person submits evidence satisfactory to the department affiliated credentialing board that he or she has done all of the following:

1. Graduated from a school of massage therapy or bodywork therapy approved by the educational approval board under s. 38.50 that meets the requirements under s. 460.095 or completed a training program approved by the department affiliated credentialing board under the rules promulgated under s. 460.04 (2) (b).

2. Completed at least 6 classroom hours in the laws of this state and rules of the department affiliated credentialing board relating to the practice of massage therapy or bodywork therapy in a course of instruction approved by the department affiliated credentialing board.

SECTION 32. 460.05 (1) (g) of the statutes is amended to read:

460.05 (1) (g) The person submits evidence satisfactory to the department affiliated credentialing board that he or she has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

SECTION 33. 460.05 (2) of the statutes is amended to read:

460.05 (2) The department affiliated credentialing board may waive a requirement specified in sub. (1) (e) if a person establishes, to the satisfaction of the department affiliated credentialing board, that he or she has education, training, or other experience that is substantially equivalent to the requirement.

SECTION 34. 460.05 (3) of the statutes is repealed.

SECTION 35. 460.06 of the statutes is renumbered 460.06 (intro.) and amended to read:

460.06 Examinations. (intro.) The department affiliated credentialing board may not grant a certificate license under this chapter unless the applicant passes achieves a passing grade on the national certification following examinations:

(1) A nationally administered, entry-level competency examination for therapeutic massage and bodywork therapy that is offered by the National Certification Board for Therapeutic Massage and Bodywork or an examination relating to the practice of massage therapy or bodywork that is administered by a national board that is accredited by the National Commission for Certifying Agencies meets generally accepted psychometric principles and standards or a substantially equivalent examination approved by the department affiliated credentialing board.

(2) The department shall promulgate rules that also require an applicant to pass an examination on state laws and administrative rules governing massage therapy or and bodywork therapy required under s. 460.04 (2) (g).

SECTION 36. 460.07 (1) of the statutes is amended to read:

460.07 (1) Each person who is certified licensed under this chapter shall conspicuously display the certificate license in the place of business where he or she practices massage therapy or bodywork therapy so that the certificate license can easily be seen and read.

SECTION 37. 460.07 (2) (intro.) of the statutes is amended to read:

460.07 (2) (intro.) The renewal dates for certificates granted under this chapter are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include all of the following:

SECTION 38. 460.07 (2) (c) of the statutes is amended to read:

460.07 (2) (c) Evidence satisfactory to the department affiliated credentialing board that the applicant has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

SECTION 39. 460.07 (2) (d) of the statutes is amended to read:

460.07 (2) (d) Evidence satisfactory to the department affiliated credentialing board that the applicant has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

SECTION 40. 460.08 of the statutes is created to read:

460.08 Temporary license. The affiliated credentialing board may grant a temporary license for a period not to exceed 6 months to an applicant who satisfies the requirements established in the rules under s. 460.04 (2) (f). A temporary license may not be renewed.

SECTION 41. 460.09 of the statutes is amended to read:

460.09 Reciprocal certificate license. Upon application and payment of the fee specified in s. 440.05 (2), the department affiliated credentialing board shall grant a massage therapist or bodyworker certificate bodywork therapist license to a person who holds a similar certificate license in another state or territory of the United States or another country if the department affiliated credentialing board determines that the requirements for receiving the certificate license in the other state, territory, or country are substantially equivalent to the requirements under s. 460.05.

SECTION 42. 460.095 of the statutes is created to read:

460.095 Massage therapy and bodywork therapy school, training program, and instructor requirements. Each massage therapy or bodywork therapy school located in this state and each massage therapy or

bodywork therapy training program offered in this state shall do all of the following:

(1) Provide and require as a prerequisite to graduation completion of a course of instruction on state laws and regulations applicable to massage therapy and bodywork therapy.

(2) Administer, score, and require as a prerequisite to graduation, the examination required under s. 460.06 (2).

(3) Ensure that each instructor hired by the school or training program on or after the effective date of this subsection [LRB inserts date], to teach courses in anatomy, physiology, kinesiology, and pathology has at least one of the following:

(a) Professional training and 2 years of experience in a health-related field.

(b) Two years of post-secondary education and training.

(4) Ensure that each instructor hired by the school or training program on or after the effective date of this subsection [LRB inserts date], to teach courses in theory and the practice of massage therapy or bodywork therapy is licensed under this chapter and has at least one of the following:

(a) Two years experience as a practicing professional.

(b) Formal education and training as a massage therapy or bodywork therapy instructor.

SECTION 43. 460.10 of the statutes is renumbered 460.10 (1) (intro.) and amended to read:

460.10 (1) (intro.) The department affiliated credentialing board may promulgate rules establishing requirements all of the following:

(a) Requirements and procedures for a certificate license holder to complete continuing education programs or courses of study to qualify for renewal of his or her certificate license. The rules promulgated under this paragraph may not require a license holder to complete more than 24 hours of continuing education program or courses of study in order to qualify for renewal of his or her license.

(2) The department affiliated credentialing board may waive all or part of any requirement established in rules promulgated under this section sub. (1) (a) if it determines that prolonged illness, disability, or other exceptional circumstances have prevented a certificate license holder from completing the requirement.

SECTION 44. 460.10 (1) (b) of the statutes is created to read:

460.10 (1) (b) Qualifications applicable to providers of continuing education programs and courses required under par. (a).

SECTION 45. 460.11 of the statutes is amended to read:

460.11 Practice requirements. (1) A certificate license holder may not practice massage therapy or bodywork therapy on a client unless the certificate license

holder first obtains the informed consent of the client and has informed the client that he or she may withdraw the consent at any time.

(2) A certificate license holder shall keep confidential any information that a client in confidence gives to the certificate license holder and any other information that the certificate license holder obtains about a client in the course of practicing massage therapy or bodywork therapy that a reasonable person in the client's position would want kept confidential, unless the information is otherwise required by law to be disclosed or the client specifically authorizes the disclosure of the information.

(3) A certificate license holder may not, whether for compensation or not, practice massage therapy or bodywork therapy for a sexually oriented business, as defined by the department affiliated credentialing board by rule.

SECTION 46. 460.12 (1), (2), (3), (4) and (5) (b) of the statutes are amended to read:

460.12 (1) A certificate license holder shall submit a report to the department affiliated credentialing board if he or she has reasonable cause to believe that another certificate license holder has committed a crime relating to prostitution under ss. 944.30 to 944.34 or has had sexual contact or sexual intercourse with a client. If the report relates to sexual contact or sexual intercourse with a client, the report may not identify the client unless the client has provided written consent for disclosure of this information.

(2) The department affiliated credentialing board may use a report made under sub. (1) as the basis for an investigation under s. 460.14 (1). If, after an investigation, the department affiliated credentialing board has reasonable cause to believe that a certificate license holder has committed a crime, the department affiliated credentialing board shall report the belief to the district attorney for the county in which the crime, in the opinion of the department affiliated credentialing board, occurred.

(3) If, after an investigation, the department affiliated credentialing board determines that a report submitted under sub. (1) is without merit, the department affiliated credentialing board shall remove the report from the record of the certificate license holder who is the subject of the report.

(4) All reports and records made from reports under sub. (1) and maintained by the affiliated credentialing board, the department, district attorneys, and other persons, officials, and institutions shall be confidential and are exempt from disclosure under s. 19.35 (1). Information regarding the identity of a client with whom a certificate license holder is suspected of having sexual contact or sexual intercourse shall not be disclosed by persons who have received or have access to a report or record unless disclosure is consented to in writing by the client. The report of information under sub. (1) and the disclosure of a report or record under this subsection does not

violate any person's responsibility for maintaining the confidentiality of patient health care records, as defined in s. 146.81 (4) and as required under s. 146.82. Reports and records may be disclosed only to the affiliated credentialing board, the department, and the appropriate staff of a district attorney or a law enforcement agency within this state for purposes of investigation or prosecution.

(5) (b) A ~~certificate~~ license holder shall submit a written report to the ~~department~~ affiliated credentialing board if he or she is convicted of a felony or misdemeanor, or is found to have committed a violation, in this state or elsewhere, and if the circumstances of the felony, misdemeanor, or violation substantially relate to the practice of massage therapy or bodywork therapy. The report shall identify the date, place, and nature of the conviction or finding and shall be submitted within 30 days after the entry of the judgment of conviction or the judgment finding that he or she committed the violation. If the report is submitted by mail, the report is considered to be submitted on the date that it is mailed.

SECTION 47. 460.13 of the statutes is amended to read:

460.13 Advertising. ~~Except as provided in s. 460.03 (1m) (a) and (b), a license holder may not advertise that he or she practices massage therapy or bodywork therapy unless the advertisement includes his or her certificate number and a statement that the certificate license holder is a "certified licensed massage therapist and bodyworker bodywork therapist" or "certified licensed massage therapist" or "certified bodyworker licensed bodywork therapist."~~

SECTION 48. 460.14 (1) of the statutes is amended to read:

460.14 (1) Subject to the rules promulgated under s. 440.03 (1), the ~~department~~ affiliated credentialing board may make investigations and conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred.

SECTION 49. 460.14 (2) (intro.) of the statutes is amended to read:

460.14 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the ~~department~~ affiliated credentialing board may reprimand a ~~certificate~~ license holder or deny, limit, suspend, or revoke a ~~certificate~~ license under this chapter if it finds that the applicant or ~~certificate~~ license holder has done any of the following:

SECTION 50. 460.14 (2) (a) of the statutes is amended to read:

460.14 (2) (a) Made a material misstatement in an application for a ~~certificate~~ license or for renewal of a ~~certificate~~ license.

SECTION 51. 460.14 (2) (b) of the statutes is amended to read:

460.14 (2) (b) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances

of which substantially relate to the practice of massage therapy or bodywork therapy.

SECTION 52. 460.14 (2) (e) of the statutes is amended to read:

460.14 (2) (e) Subject to ss. 111.321, 111.322, and 111.34, practiced massage therapy or bodywork therapy while his or her ability to practice was impaired by alcohol or other drugs.

SECTION 53. 460.14 (2) (h) of the statutes is amended to read:

460.14 (2) (h) Engaged in conduct while practicing massage therapy or bodywork therapy that jeopardizes the health, safety, or welfare of a client or that evidences a lack of knowledge of, inability to apply, or the negligent application of, principles or skills of massage therapy or bodywork therapy.

SECTION 54. 460.14 (2m) (intro.) of the statutes is amended to read:

460.14 (2m) (intro.) Subject to the rules promulgated under s. 440.03 (1), the ~~department~~ affiliated credentialing board shall revoke a ~~certificate~~ license under this chapter if the ~~certificate~~ license holder is convicted of any of the following:

SECTION 55. 460.14 (3) of the statutes is amended to read:

460.14 (3) The ~~department~~ affiliated credentialing board may restore a ~~certificate~~ license that has been suspended or revoked on such terms and conditions as the ~~department~~ affiliated credentialing board may deem appropriate.

SECTION 56. 460.14 (4) of the statutes is repealed.

SECTION 57. 460.15 (1) of the statutes is renumbered 460.15 and amended to read:

460.15 Penalties Penalty. ~~Except as provided in sub. (2), any~~ Any person who violates this chapter or any rule promulgated under this chapter shall forfeit not more than \$1,000 for each violation.

SECTION 58. 460.15 (2) of the statutes is repealed.

SECTION 59. 460.17 of the statutes is amended to read:

460.17 Local regulation. A city, village, town, or county may not enact an ordinance that regulates the practice of massage therapy or bodywork therapy by a person who is issued a ~~certificate~~ license by the ~~department~~ affiliated credentialing board under this chapter. No provision of any ordinance enacted by a city, village, town, or county that is in effect before February 1, 1999, and that relates to the practice of massage therapy or bodywork therapy, may be enforced against a person who is issued a ~~certificate~~ license by the ~~department~~ affiliated credentialing board under this chapter.

SECTION 60. 895.48 (1m) (a) (intro.) and 2. of the statutes are amended to read:

895.48 (1m) (a) (intro.) Except as provided in par. (b), any physician or athletic trainer licensed under ch. 448, chiropractor licensed under ch. 446, dentist licensed

under ch. 447, emergency medical technician licensed under s. 256.15, first responder certified under s. 256.15 (8), physician assistant licensed under ch. 448, registered nurse licensed under ch. 441, or a massage therapist or ~~bodyworker issued a certificate~~ bodywork therapist licensed under ch. 460 who renders voluntary health care to a participant in an athletic event or contest sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a public agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that care if all of the following conditions exist:

2. The physician, athletic trainer, chiropractor, dentist, emergency medical technician, first responder, physician assistant, registered nurse, massage therapist or ~~bodyworker~~ bodywork therapist does not receive compensation for the health care, other than reimbursement for expenses.

SECTION 61. Nonstatutory provisions.

(1) EXEMPTIONS FROM CERTAIN LICENSURE REQUIREMENTS. Notwithstanding section 460.05 (1) (e) of the statutes, as affected by this act, and section 460.05 (1) (f) of the statutes, the massage therapy and bodywork therapy affiliated credentialing board shall grant a license

under section 460.05 of the statutes, as affected by this act, to a person who no later than the first day of the 13th month beginning after the effective date of this paragraph provides sufficient evidence to the massage therapy and bodywork therapy affiliated credentialing board that the person satisfies one of the following requirements:

(a) The person was actively engaged in the practice of massage therapy or bodywork therapy by practicing for an average of 10 hours per week for at least 10 years.

(b) The person passed a nationally administered entry-level competency assessment examination that meets generally accepted psychometric principles and standards.

(c) The person was actively engaged in the practice of massage therapy or bodywork therapy by practicing for an average of 10 hours per week for at least 3 years and successfully completed a 200-hour licensure program approved by the affiliated credentialing board.

(d) At least 180 days before the effective date of this paragraph, the person graduated from a massage therapy or bodywork therapy training program that consisted of at least 600 hours of training.

SECTION 62. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.
